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C O N F I D E N T I A L SECTION 01 OF 02 HELSINKI 001290

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STATE FOR EUR/NB, DRL, IO

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TAGS: PHUM PREL PGOV SOCI FI

SUBJECT: FINLAND: UN RAPPORTEUR WELCOMES THE SECRETARY'S
REMARKS ON RENDITION

REF: A. STATE 219905

1B. HELSINKI 1211

1C. HELSINKI 1281

Classified By: POLOFF DAVID ALLEN SCHLAEFER FOR REASONS 1.4 (B) and (D)

11. (C) Summary: UN Special Rapporteur for Human Rights Scheinin welcomed the Secretary's clarification of U.S. policy on transportation of prisoners and U.S. obligations under the CAT. He said her specific reference to "degrading" treatment was important, but noted that additional clarification of U.S. obligations under the ICCPR would be helpful. Specific details of a 2003 CIA flight to Finland are less important than public discussion about the legal and human rights implications of rendition. Finnish media focus on flight details could obscure the larger discussion. Scheinin's visit to the UK was positive, and he may not make a second trip before submitting his report. End Summary.

UN Rapporteur Welcome Secretary's Remarks

12. (C) In response to Ref A instructions to use the Secretary's recent remarks as an opportunity to shape public

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discussion of the arrest and transportation of terrorists, Poloff spoke with Martin Scheinin, UN Special Rapporteur for the Promotion and Protection of Human Rights While Countering Terrorism and Finland's leading scholar on human rights. Scheinin welcomed the Secretary's clarifications of U.S. policy, especially its obligations under the Convention Against Torture (CAT). He believed her statement was well received by the international community and was a "necessary ethical marker in an uncertain (security) environment." The fact that the Secretary made specific reference to "degrading" treatment was also important; the humiliation of Iraqi prisoners in Abu Ghraib proved that degrading treatment can be as abusive as physical torture. Scheinin said that he had commented favorably about the Secretary's remarks in an interview with Finland's largest Swedish-language newspaper and would repeat his positive assessment during additional interviews later this week.

A Point for Clarification

13. (C) Scheinin said that he hopes the U.S. will now clarify its earlier interpretation of the International Convention on Civil and Political Rights (ICCPR). A 2005 annex to the ICCPR suggests that U.S. obligations under the Convention do not extend beyond U.S. borders, a position seemingly at odds with the Secretary's comments on the CAT. The ICCPR is more broad than the CAT and covers issues such as arbitrary and extrajudicial arrest and detention. Scheinin opined that there would be little room for criticism of stated U.S. policy if U.S. interpretation of the ICCPR were brought in line with that of the CAT.

Rendition Allegations

14. (C) Regarding allegations that an aircraft making a Helsinki stopover enroute to Stockholm in 2003 may have transported terrorist suspect(s) (Refs B and C), Scheinin at first asked Poloff for new details. He said that a December 9 MFA press release led him to believe that the USG would provide the GoF additional information. Scheinin said that he presumed the GoF would not have posted the release without confirming that additional details from the USG were indeed forthcoming. Per Department guidance, Poloff replied that we did not expect additional information about the flight in question, but that the Secretary's remarks clearly laid out U.S. policy concerning renditions; the GoF was aware that country-specific information about individual flights was unlikely. Scheinin then said that, in his opinion, questions about the Finland flight were not very important; he was aware that several countries were inquiring about hundreds of flights in toto, and that it was unrealistic to expect the U.S. to provide details about all of them. However, he remained concerned about the larger issue of whether such flights violated legal and human rights principles. Too much

media focus on the flight could also obscure the discussion, he added.

UK Visit

15. (C) Scheinin's late November visit to the UK to investigate the rendition-overflight issue went well (see Ref B). He said that Home Office officials were helpful and that the atmosphere was "professional and cordial." He is waiting for several written responses from the British Government; depending upon the information he receives, he may not need to visit the UK again in his capacity as rapporteur before preparing his report to the UNHCHR. Scheinin noted that British officials were frustrated by European criticism directed toward the UK when, in their opinion, British intelligence operations were more transparent than the operations of countries like Italy and, especially, France. Scheinin said that he imagines U.S. officials may feel the same way, but that "it is a credit to the UK and U.S. that the world looks to you to hold a higher standard."

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